

REMARKS

Claims 1-38 were pending in this application.

Claims 1-38 have been rejected.

Claims 1-5, 7-11, 13-25, 27, 28, 30, 32, 34 and 35 have been amended.

Claims 1-38 remain pending in this application.

Reconsideration of Claims 1-38 is respectfully requested.

I. IN THE SPECIFICATION

The Applicants have amended the specification to include the serial numbers and filing dates for three related patent applications. The Applicants respectfully submit that no new matter has been added with the amendments.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,263,507 B1 to Ahmad et al. ("*Ahmad*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found

in a single prior art reference. MPEP §2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claims 1, 7, 13 and 19 have been amended to more clearly claim the Applicants' invention and recite a system and method that identify the domain of a video program and select audio-visual segments of the program according to the domain of the program. Independent Claim 25 has been amended to recite an analogous limitation. The Applicants respectfully submit that *Ahmad* does not teach or suggest this element of the Applicants' invention as recited in the amended claims.

The *Ahmad* reference describes an invention that facilitates and enhances review of a body of information, enabling the body of information to be quickly reviewed to obtain an overview of its content and allowing flexibility in the manner of its review. *See Ahmad, Abstract*. The reference describes a "news browser," an application of the invention that enables acquisition, and subsequent review, of news stories obtained from a specified group of news sources. *See Ahmad, col. 3, lines 4-8*. The graphical user interface of the browser is particularly tailored for video and text news sources. *See Ahmad, col. 14, line 64, to col. 15, line 3*. The video and text data is partitioned into segments based upon phrases in the audio and text data that are frequently found in news broadcasts. *See, Ahmad, col. 23, lines 36-49; lines 56-59; col. 24, lines 37-41*. Thus, the *Ahmad* reference teaches a system for review of video programs whose interface and operation are customized for a particular type of program being reviewed.

In contrast, the Applicants' invention, as recited in amended independent Claims 1, 7, 13 and 19, creates a multimedia summary of a video program by identifying the domain of the program and selecting portions of the transcript and audio-video segments of the program according to its domain. As a result, *Ahmad* fails to anticipate the Applicants' invention as recited in Claims 1, 7, 13, 19 and 25 (and dependent Claims 2, 3, 8, 9, 14, 15, 20, 21, 26, 27 and 29).

Therefore, the Applicants respectfully submit that the rejection of Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 29 under 35 U.S.C. § 102 has been overcome. Accordingly, the Applicants respectfully request withdrawal of the rejection and full allowance of Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 29.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 30, 31 and 34 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad*. The Office Action rejects Claims 4-6, 10-12, 16-18, 22-24, 28, 32, 33 and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad* in view of U.S. Patent No. 6,580,437 B1 to Liou et al. ("*Liou*"). The Office Action rejects Claims 36-38 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad* in view of "Name-It: Naming and Detecting Faces in News Videos" by Satoh et al. ("*Satoh*") and further in view of U.S. Patent No. 5,093,937 to Hoarty et al. ("*Hoarty*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23

U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142.

Independent Claim 34 has been amended to recite limitations analogous to those in independent Claim 25. Therefore, for the same reasons given above with respect to the § 102 rejection of independent Claim 25, the *Ahmad* reference does not disclose, teach or suggest all the features/elements of independent Claim 34 (and dependent Claim 35) and, therefore, a *prima facie* case of obviousness has not been established.

Claims 4-6, 10-12, 16-18, 22-24, 28, 30-33 and 36-38 depend from independent Claims 1, 7, 13, 19 and 25, directly or indirectly, and incorporate the features/elements therein recited. Thus, for the same reasons given above with respect to the § 102 rejection of independent Claims 1, 7, 13, 19 and 25, the *Ahmad*, *Liou*, *Satoh* and *Hoarty* references, either alone or in combination, do not disclose, teach or suggest all the features/elements of Claims 4-6, 10-12, 16-18, 22-24, 28 and 30-38 and, therefore, a *prima facie* case of obviousness has not been established.

The Applicant respectfully requests that the rejection of Claims 4-6, 10-12, 16-18, 22-24, 28, and 30-38 under 35 U.S.C. § 103 be withdrawn and that Claims 4-6, 10-12, 16-18, 22-24, 28, and 30-38 be passed to allowance.

IV. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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William A. Munck

Registration No. 39,308

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *wmunck@davismunck.com*